

BEFORE THE
ILLINOIS COMMERCE COMMISSION

CENTRAL ILLINOIS PUBLIC SERVICE COMPANY) DOCKET NO.
(AmerenCIPS)) 03-0079
and)
WAYNE-WHITE COUNTIES ELECTRIC)
COOPERATIVE)
)
Joint Petition for Approval of an)
Agreement Amending the Service Area)
Agreement between the Parties and)
Defining Service Areas in Jersey)
County, Illinois, Pursuant to Section)
6 of the Illinois Electric Supplier Act.)

Springfield, Illinois
March 21, 2003

Met, pursuant to notice, at 9:00 A.M.

BEFORE:

MR. WILLIAM SHOWTIS, Administrative Law Judge

APPEARANCES:

MR. SCOTT HELMHOLZ
Brown, Hay & Stephens
200 South Fifth Street
Springfield, Illinois 62701

(Appearing on behalf of Central Illinois
Public Service Company via teleconference)

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
Ln. #084-002710

1

I N D E X

2

WITNESSESDIRECT CROSS REDIRECT RECROSS

3

None.

4

5

6

7

8

9

10

I N D E X

11

EXHIBITSMARKEDADMITTED

12

None.

13

14

15

16

17

18

19

20

21

22

PROCEEDINGS

JUDGE SHOWTIS: Pursuant to the authority vested in me by the Commission, I now call for hearing Docket 03-0079 which concerns the joint petition of Central Illinois Public Service Company, d/b/a AmerenCIPS, and Wayne-White Counties Electric Cooperative for approval of an agreement amending the Service Area Agreement between the parties and defining service areas in Edwards County, Illinois, pursuant to Section 6 of the Illinois Electric Supplier Act.

Mr. Helmholtz, would you enter your appearance for the record.

MR. HELMHOLZ: Yes, my name is Scott Helmholtz, H-E-L-M-H-O-L-Z, attorney at law, Brown, Hay and Stephens, 200 South Fifth Street, Springfield, Illinois 62701, appearing on behalf of one of the joint petitioners, Central Illinois Public Service Company.

JUDGE SHOWTIS: Mr. Helmholtz, a couple matters were discussed at the last hearing in this matter and I think I brought up the suggestion of filing a

1 supplement to the joint petition. Would you
2 indicate what has transpired since the last hearing?

3 MR. HELMHOLZ: Your Honor, since the last
4 hearing I very promptly prepared an amendment or a
5 supplement to the joint petition, and I forwarded
6 that to counsel for Wayne-White, Mr. Jay Fyie,
7 that's F-Y-I-E, in Fairfield, Illinois. And I have
8 spoken with Mr. Fyie most recently last Friday.
9 There was a board meeting last Friday evening at
10 which I had hoped he would get verification or
11 approval for the supplemental joint petition. I
12 just have not heard back from him this week on that.
13 But I don't anticipate any problem with it. I just
14 think it is on his desk and it will get to me fairly
15 promptly.

16 JUDGE SHOWTIS: Let's go off the record.

17 (Whereupon there was
18 then had an
19 off-the-record
20 discussion.)

21 JUDGE SHOWTIS: Let's go back on the record.

22 Mr. Helmholtz has indicated that a supplement to the

1 joint petition or supplemental joint petition would
2 be filed in this matter. Could you just briefly
3 describe what additional facts or allegations would
4 be made in the supplement that are not in the
5 original joint petition?

6 MR. HELMHOLZ: Yes, sir, Mr. Showtis. I
7 believe the supplement tries to address three
8 questions that you had at the last hearing. The
9 first question, you wanted some affirmative
10 indication that one of the customers, Bi-Petro,
11 Inc., had requested the joint petition and there is
12 affirmance in the supplemental joint petition that
13 this case was done at the request and the
14 accommodation of Bi-Petro.

15 Regarding the customer notice to Spier,
16 S-P-I-E-R, Spier Operating, you had asked what level
17 or what method of communication, I believe, had
18 occurred with respect to him. In checking with our
19 people, we found that the field people were waiting
20 to hear that the agreement had been finalized with
21 Wayne-White before they communicated with Mr. Spier.
22 And due to some personnel changes out in the field,

1 there was no actual communication made to Mr. Spier.
2 So the service on him by the Commission of the
3 original joint petition is probably only notice at
4 this point.

5 The third issue, you had asked for some
6 explanation as to how it came about that there was
7 kind of a division of service and facilities to
8 Mr. Spier, and the supplement to the joint petition
9 gives some background as to how that occurred and
10 basically, without going too deep, talks about some
11 litigation involving several different oil fields
12 and actually two different electric cooperatives and
13 one generation cooperative in the middle '90s and
14 that the Spier situation was kind of an
15 accommodation or part of the settlement of that
16 litigation. So I tried to put in a little
17 background on that and explain how that came about.

18 So those were the three subject matters
19 that Your Honor, I believe, had questions about, and
20 I have attempted to answer those in the supplement
21 to the joint petition. Mr. Fyie and I spoke on this
22 last week and I explained fully to him what it was.

1 I provided him with the drafts on probably Tuesday
2 or Wednesday of last week. So I think it should
3 have been received by him. Because it contains
4 additional factual assertions, I am sure he is being
5 careful to run them by his board members and/or
6 general managers.

7 So I will again call him right now and try
8 to find out where that is. But if we could
9 obviously put this over for a week or two, that
10 would give us sufficient time to get the supplement
11 on file as well as a proposed order.

12 JUDGE SHOWTIS: I don't see a need for any
13 additional hearings in this matter since the
14 information that I had requested at the last hearing
15 would be covered in the supplement to the joint
16 petition. So at this point then the record will be
17 marked heard -- well, before I mark the record heard
18 and taken, Mr. Helmholtz, I am not going to set any
19 date for the filing of the supplement or proposed
20 order. I would expect that both of those could be
21 filed within the next couple of weeks.

22 MR. HELMHOLTZ: Well, I would hope that it would

1 be shorter than that, Mr. Showtis.

2 JUDGE SHOWTIS: That's kind of an outer date.
3 But if there is some holdup, I am not going to put
4 any deadline for the filing but hopefully, you know,
5 it could be filed by at least the first week in
6 April.

7 MR. HELMHOLZ: All the drafting is done. It is
8 just a question of approval. So it is actually file
9 ready at this minute, but I just have to get the
10 approval from the other joint petitioner.

11 JUDGE SHOWTIS: Okay. Then the record will be
12 marked heard and taken.

13 HEARD AND TAKEN

14

15

16

17

18

19

20

21

22